REMARKS

A request for continued examination (RCE) is concurrently filed with this amendment. Independent claims 1 and 12, and dependent claims 6 and 30, have been amended. The application now includes claims 1-4, 6-21, and 23-30.

Claims 6 and 30 have been amended to eliminate grammatical and typographical errors. In particular, "wo" has been eliminated from claim 30, and an extra "the" has been removed from claim 6 (thus overcoming the objection raised by the Examiner).

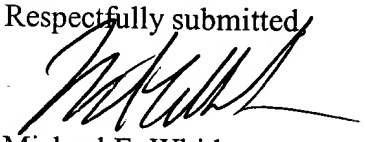
Independent claims 1 and 12 have been amended in accordance with the Examiner's Interviews which took place on February 22, 2005 and February 25, 2005. This amendment makes the comments during the interview of record in the case, and places the application in *prima facie* condition for allowance.

As was discussed during the interviews, the Kuroyanagi reference is focused on a redundant configuration where, when a fault in an optical signal of a certain wavelength in the transmitted optical signals is identified, the optical selector only switches an optical signal of the wavelength in which the fault is detected, into the other system (see particularly, column 3, lines 30-35). Kuroyanagi does not disclose outputting a data cell in accordance with one of a header value added to the data cell or a time slot of a frame (as is required in the claims). Further, as explained on pages 6-8 of the applications Figures 24-26 show a technology altogether different from Kuroyanagi, and in which the 0-system is simultaneously switched to the 1-system in the overall PON system. As stated on page 8 of the application at line 6, "That is, switching is performed even for the ONUs 107-2 to 107-n that are operating normally". Hence, the prior art does not show or suggest switching only the transmission paths to establish a standby system virtual path between said optical terminal and said subscriber terminal serving as a communication partner, without affecting communication through other active virtual paths in the PON system (as is required in the claims). Given that Kuroyanagi deals with different technology than that disclosed in Figures 24-26 of the application, the references cannot be combined as proposed.

Further, even if combined, Kuroyanagi would add a system for switching out certain wavelengths, and would not add or make obvious a methodology for switching only the transmission paths to establish a standby-system virtual path between the optical line terminal and the subscriber terminal without affecting communication through other active virtual paths in the PON system.

In view of the above, claims 1-4, 6-21, and 23-30 are now in condition for allowance. Reconsideration and allowance of the claims at an early date is requested.

Respectfully submitted,



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